

## Other Sources of Compensation

The *Crime Victims' Compensation Fund* is a secondary source which pays for loss not covered by other sources. These sources include, but are not limited to:

- 1) Insurance (health, auto, disability, etc.);
- 2) Workers' Compensation;
- 3) Public funds;
- 4) Sick or annual (vacation) leave paid by an employer;
- 5) Restitution.

## Subrogation

Under certain circumstances victims may be required to reimburse the Fund:

- 1) If, as a part of the criminal sentence, the court orders the offender to make restitution, that portion of the restitution covering expenses paid by the Fund must be reimbursed to the Fund;
- 2) In the event of a successful civil suit against the offender, or a third party suit, the victim must reimburse the Fund for expenses already paid, or a claim may be denied in the event the recovery was more than the victim's economic loss.

## Procedures

After receiving the proper claim forms, the Crime Victims' Compensation Unit conducts an investigation. Witnesses, law enforcement officers, physicians, hospitals and employers may be contacted for report and verification. The Unit then makes a decision on the claim and the claimant is notified of the decision.

## Prehearing & Appeal

If a claim is denied, or if the settlement offer is unacceptable, a dissatisfied claimant may request the Crime Victims' Unit to set the case before an Administrative Law Judge.

## Attorney Assistance

The victim/claimant may have an attorney assist with filing a claim. If legal representation is sought, the Crime Victims' Unit shall determine and allow reasonable attorneys' fees, not to exceed 15 percent. Any attorney's fee allowed shall be paid out of, not in addition to, the amount of compensation awarded.

## How To File A Claim

If you need a claim form or other information, please contact us at:

PO Box 3001  
Jefferson City, MO 65102

Call:  
573-526-6006  
1-800-347-6881

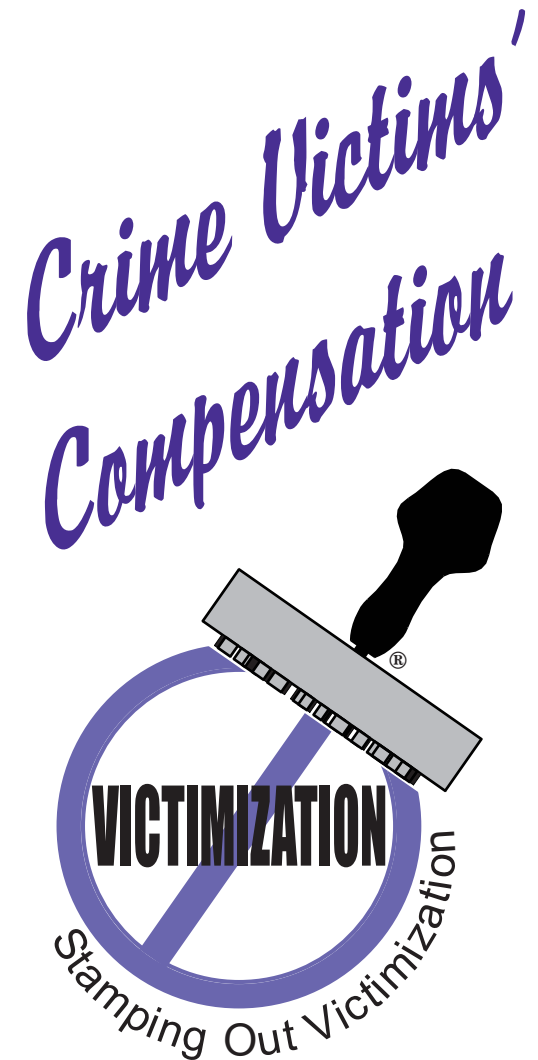
Internet:  
[www.dolir.mo.gov/wc/cv\\_help.htm](http://www.dolir.mo.gov/wc/cv_help.htm)

RELAY MISSOURI  
1-800-735-2966 (TDD)  
1-800-735-2466 (Voice)

## Notice

This pamphlet is only a summary of the statutory provisions applicable to the Crime Victims' Compensation Fund administered by the Missouri Division of Workers' Compensation. The pamphlet is not in itself legally binding upon the Crime Victims' Unit.

For the actual provisions, please refer to the Missouri Crime Victims' Compensation Law, Chapter 595, RSMo, as amended.



*The state of Missouri has a fund to reimburse victims of crime who have suffered injuries causing a financial loss due to violent crimes. This program is administered by the Crime Victims' Compensation Unit of the Division of Workers' Compensation.*

### *Those Eligible For Benefits*

You may be eligible for benefits if:

- 1) You sustained personal bodily injury;
  - A. As a victim of a violent crime; or
  - B. As the result of going to the aid of another person or peace officer, or while attempting to prevent a crime from occurring; or
- 2) You are a relative of a sexual assault victim requiring counseling in order to better assist the victim in their recovery; or
- 3) In the event of a victim's death,
  - A. You are the surviving spouse, child or other dependent of a deceased violent crime victim; or
  - B. You are the family member who pays the medical and burial expenses incurred as a direct result of the crime; or
  - C. You are a surviving family member of the deceased victim and require counseling as a direct result of the death of the victim; or
- 4) You are a Missouri resident who suffers personal injury or death in a state that does not have crime victims' compensation for which you would be eligible and that would be covered under Chapter 595, RSMo, if the crime had occurred in Missouri, or the victim is a Missouri resident injured by an act of terrorism which was committed outside of the United States; and
- 5) You suffered an out-of-pocket loss of \$50 or more; or lost two or more continuous weeks of earnings or support.

### *Those Not Eligible For Benefits*

- 1) An individual injured in a motor-vehicle accident, unless the driver was charged with "driving while intoxicated," or the incident was a "hit and run"; or the injury was intentionally inflicted by the operator of the vehicle.
- 2) An individual who was committing a crime in connection with the incident;
- 3) A victim whose conduct at the time of the incident contributed to the infliction of the injuries or death. An award may be denied or reduced depending upon the degree of the contribution;
- 4) The victim was an offender or an accessory to the incident;
- 5) The victim was injured while confined in a federal, state, county or municipal jail, prison or other correctional facility; or
- 6) Persons convicted of two felonies in the past 10 years, and one involves drugs or violence.

### *Conditions For Eligibility*

In order to receive compensation under Chapter 595, RSMo, the following conditions must be met:

- 1) The injury or death must have occurred in Missouri (except as provided in Section 4 of "Those Eligible For Benefits");
- 2) The incident was reported to the proper law enforcement agency within 48 hours, unless the victim was a minor or there is good cause shown for reporting late;

- 3) The victim must cooperate with law enforcement officials in the investigation and prosecution;
- 4) A claim must be filed within two years of the crime, unless the victim is a minor; then the claim must be filed within two years of discovery.

### *Available Benefits*

A claim may be filed for out-of-pocket expenses only, as follows:

- 1) Loss of earnings or support;
- 2) Funeral expenses; and
- 3) Reasonable medical, drug and counseling expenses.

### *Losses Not Eligible For Benefits*

- 1) Stolen or damaged property;
- 2) Pain and suffering.

### *Limits on Awards*

- 1) Total recovery may not exceed \$25,000.00;
- 2) Wage loss may not exceed \$200.00 per week;
- 3) Funeral expenses may not exceed \$5,000.00; and
- 4) Psychological expenses may not exceed \$2,500.00.